

## ARTICLE 5 APPEALS TO THE HOSPITAL BUILDING SAFETY BOARD

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### 7-163. Formal hearing request.

Consistent with Section 7-159 and upon completion of the Comment Process Review procedure identified in Section 7-161, the appellant may appeal the final determination of the Deputy Director to the Hospital Building Safety Board. To request a formal hearing, the appellant shall submit a written request for appeal containing the information described in Section 7-161(b)(1)-(5) to the Hospital Building Safety Board through the Office within fifteen (15) calendar days of issuance of the Deputy Director's final determination pursuant to Section 7-161(d). Any request for appeal submitted received by the Office more than fifteen (15) calendar days after issuance of the Deputy Director's final determination pursuant to 7-161(d) may be considered at the discretion of the Office.

### 7-165 Formal hearing.

(a) The Hospital Building Safety Board shall act as the hearing body for appeals submitted pursuant to Section 7-163 and shall conduct a public hearing on the appeal.

(b) The Chair of the Hospital Building Safety Board shall call a hearing on an appeal. The hearing shall be convened at a location selected by the Chair.

(c) The hearing shall be held within ~~thirty (30)~~ forty five (45) calendar days of ~~issuance~~ receipt by the Office of the written request for appeal described in Section 7-163. The parties to the appeal shall be notified in writing of the time and place of the hearing within fifteen (15) calendar days of receipt by the Office of the request for appeal.

(d) At least ~~nine (9)~~ three (3) voting members of the Board shall be present at the hearing. The decision shall bear the endorsement of a simple majority of the Board members present.

(e) The proceedings shall be recorded. Transcripts shall be made available to anyone making a request therefor upon deposit with the Hospital Building Safety Board of the amount of money which the Office has determined necessary to cover the costs of transcript preparation.

(f) The appellant may, at his or her own expense, arrange for stenographic recording and transcription of the hearings.

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### 7-171. Decision on appeal.

(a) A decision on an appeal heard by the Hospital Building Safety Board shall be reached as follows:

1. The Board shall render a decision prior to the closing of the hearing.
2. The Board may affirm, reverse or amend the ruling, order, decision or act being appealed.
3. Decision of the Hospital Building Safety Board shall become effective immediately upon their announcements by the Chair of the Board, unless otherwise specified by the Chair.

(b) The decision of the Board shall be provided in writing to the parties within fifteen (15) calendar days of the formal hearing held pursuant to Section 7-165.

(c) If less than a quorum of the voting members of the Board were present for the formal hearing held pursuant to Section 7-165, the appellant may appeal the written decision for hearing at the next regularly scheduled meeting of the Hospital Building Safety Board. The appellant shall submit a written request for such an appeal to the Hospital Building Safety Board through the Office no later than ten (10) days after the Board issues the written decision pursuant to Section 7-171(b). The appeal shall be heard at the next regularly scheduled meeting of the Hospital Building Safety Board, but not less than twenty (20) days after receipt of the request.

(All existing amendments that are not revised above shall continue without any change)

**NOTATION:**

- Authority: Health and Safety Code Section 130005(g) & 130021
- Reference: Health and Safety Code Section 1275, 129850 & 130005(g)